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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 March 1997, at 4.50 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 4.50 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11)(E/CN.4/1997/65)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 17) (E/CN.4/1997/82 and 83; E/CN.4/Sub.2/1996/2 and 28; A/51/536)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 19) (E/CN.4/1997/91 and Add.1; E/CN.4/1997/NGO/19; A/51/542/Add.1 and Add.2)

1. Mr. GOMEZ-ROBLEDO (Mexico) said that no country or region could avoid the phenomenon of international migration or remain immune to its consequences. Mass movements of population were occurring, not only in the wake of wars and disasters but also as a consequence of economic and technological developments summed up by the term "globalization". While the precise dimensions of the phenomenon were not known, the International Organization for Migration (IOM) estimated that refugees, asylum-seekers and illegal immigrants had numbered 120 million in 1994. That figure - 2 per cent of the world's population - constituted a minority of migrants, the majority of whom were legally recognized migrant workers. Migrants of all kinds formed a highly vulnerable sector of the population, not least because unscrupulous politicians feigned to hold them responsible for the real or perceived ills of the societies in which they lived.

2. His Government recognized the right of every State to define and implement its migration policies and make sovereign decisions on border-control issues, but the way in which a State treated aliens within its territory was not a matter for that State alone. The Universal Declaration of Human Rights and the relevant international instruments required States to guarantee to all individuals under their jurisdiction, the basic rights enjoyed by the population as a whole.

3. As a country of origin, destination and transit of major migratory flows, Mexico had always spoken out in favour of respect for the human rights of all migrants. It was in response to a Mexican initiative that the second regional conference on migration had been held at Panama City in early March 1997.

4. Since migrants represented the only vulnerable sector of the population which the Commission had not yet studied in detail, his delegation had decided to propose, by means of a draft resolution, the establishment of an institutional mechanism for the study of problems connected with the human rights of migrants, from the standpoints of both host countries and countries of origin. The proposed thematic mechanism would reaffirm the minimum applicable standards, elaborate policy guidelines to ensure their observance and recommend practical ways of promoting a better understanding between migrants and the societies in which they lived. The draft resolution would also appeal to all States that had not yet done so to sign, ratify or adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

5. Mr. VO VAN Aï (International Federation of Human Rights Leagues), having referred to the written statement submitted by his organization concerning religious repression in Viet Nam (E/CN.4/1997/NGO/19), said that he also wished to draw attention to manifestations of religious intolerance in Pakistan. The Federation welcomed the concern expressed in the report by the Special Rapporteur on religious intolerance on his visit to that country (A/51/542). A number of incidents involving the Christian and Ahmadi communities, as well as clashes between Sunni and Shiite Muslims, had occurred in Pakistan in recent months. The harshness of Pakistan's blasphemy laws, as well as its electoral system which separated Muslim votes from non-Muslim ones, gave grounds for particular concern. He appealed to the Commission to take urgent steps to promote religious tolerance in both countries in question.

6. Mr. ROSSI (International Association for Religious Freedom), said that, in many countries, the right of an individual to change his or her religion and the right to manifest one's religion were being violated. Thus, under Shari'a law, a Muslim who changed religion could be sentenced to death. In countries where Islamist fanaticism was rife, such as Algeria, Egypt, Sudan, Iran and Pakistan, people were being encouraged to attack and even kill non-Muslims. Such practices were being entirely inconsistent with the teachings of the Koran, as well as with universally recognized human rights, and Islamic countries needed assistance to free themselves from their traditions of intolerance.

7. In some countries with a Christian majority, the freedom to manifest other religions was also severely limited. In Russia, the Orthodox Church was exerting pressure on the Duma to amend the existing law on religious freedom, which was among the most liberal in Europe, and had already persuaded certain regional and provincial authorities to adopt administrative measures to reduce the freedom of non-Orthodox religious communities. The Orthodox churches of Bulgaria, Romania and Greece adopted a similar position.

8. Lastly, in countries ruled by atheistic communist ideology, such as China, Viet Nam and North Korea, religious believers continued to suffer severe forms of intolerance and discrimination.

9. The Commission should encourage the Governments of the countries concerned to resist pressures from intolerant religious or ideological circles and honour their international commitments to ensure respect for all human rights, including the right to freedom of thought, conscience and religion.

10. Ms. CHANG (Human Rights Advocates, Inc.) said that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been adopted by the General Assembly in 1990, yet so far only two States had signed it and only eight had ratified or acceded to it and they did not include any of the major labour-importing States. While a number of migrant workers' rights were protected by the provisions of existing instruments, such as the International Covenants on Human Rights the three International Labour Organization (ILO) conventions, not all of them were covered, and that was a matter of concern in view of the many abuses of migrant workers and immigrants, including some committed by government officials of the receiving States. For example, hundreds of complaints, had

been made regarding abuses by the United States Border Patrol, yet investigations were invariably perfunctory and few of them had resulted in criminal charges.

11. Prompt action was needed. Her organization welcomed the proposal to establish a working group that could gather information from other United Nations human rights bodies on whether treaties under their purview were being used to protect the rights of migrant workers; ask ILO how it guaranteed such rights in countries that had ratified the ILO Conventions and in those that had not; and analyse information regarding rights not currently being protected. If no working group was established, the High Commissioner for Human Rights could be asked to compile the required information from the relevant treaty bodies and ILO.

12. Most Reverend PAVLOS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities) said that, soon after the invasion of Cyprus in 1974, the Turkish forces had begun systematically to plunder religious objects and destroy Christian symbols in the occupied area of the island. Thousands of works of art had vanished and had rarely been traced in the world art markets. Cultural monuments and graves had been damaged or destroyed, iconostases had been desecrated and walls covered with graffiti. Some churches had been looted and left empty, others had been converted to mosques or secular uses or had been demolished. In contrast, the Government of the Republic of Cyprus, and the Greek Orthodox population, had respected every mosque and Muslim shrine in their part of the island.

13. According to the Turkish Cypriot press, the Cathedral of the Archangel Michael in his own diocese of Kyrenia had been turned into a museum. In 1994 the tower and belfry had been on the verge of collapse and 13 icons had been stolen. Another church in his diocese had been converted into a gallery and openly advertised for sale. The Antiphonitis Monestery had been looted and left deserted. Some fifteenth-century frescoes had been stolen and others had been destroyed in attempts to remove them from the walls. The Ahiropiitos Monastery had also been stripped of its Byzantine treasures and turned into a military camp and arms store. The famous Kanakaria mosaics, the most significant works of early Christian art in the Eastern Orthodox Church, had been stolen and sold on the international art market. The Apostle Andreas Monastery on the Karpas Peninsula had been left to fall into ruins. Those were a few cases from his diocese alone.

14. He earnestly requested the Commission to help restore its rightful property to the people of Cyprus, to protest at the prolonged violation of its human rights and to save its religious and cultural heritage from the Turkish occupation forces.

15. Mr. PHILLIPS (Minority Rights Group) said that, following the Commission's criticism of the Sub-Commission in 1994 for allocating insufficient time and attention to minority issues, the problem had been addressed by the establishment of the inter-sessional Working Group. That development and the more substantial debates within the Commission and the Sub-Commission were welcome, but they constituted only a start. The members

of the Working Group were distinguished and committed experts on minorities; the Group had a clear mandate and there was no other forum dealing with the issue within the United Nations system.

16. The second meeting of the Working Group had been attended by representatives of 50 Governments, 7 United Nations bodies and 52 NGOs, and well-structured and high-quality debates on education, on domicile and residence and on definitions had been achieved. That meeting was in sharp contrast to the first meeting, which had been under-prepared and had engaged mainly in procedural discussions. It had become clear to all that the issue was a complex one not susceptible to quick "solutions" and that the Working Group needed to explore it through constant, thoughtful planning, for which it would need external help, more resources and a continuity of purpose.

17. His organization supported the Working Group's recommendations and urged the Commission to endorse the decisions of the Sub-Commission, particularly that regarding the need for the Working Group to develop its role as a forum for dialogue between minorities, NGOs, Governments and intergovernmental bodies. He thus hoped that the Commission would give the Working Group a permanent mandate to ensure that there was an ongoing forum for constructive debate.

The meeting rose at 5.35 p.m.